

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:09-cv-10555-RBC

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STEPHANIE CATANZARO,	)
Plaintiff,	)
	)
v.	)
	)
EXPERIAN INFORMATION SOLUTIONS, INC. and	)
VERIZON NEW ENGLAND, INC.,	)
Defendants.	)

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JOINT MOTION OF DEFENDANTS, VERIZON NEW ENGLAND, INC. AND  
EXPERIAN INFORMATION SOLUTIONS, INC., TO CONSOLIDATE, PURSUANT  
TO FED. R. CIV. P. 42(a)

NOW COME the defendants, Experian Information Solutions, Inc. ("Experian") and Verizon New England, Inc. ("Verizon"), and jointly move, pursuant to Fed. R. Civ. P. 42(a), for an order consolidating the pending case of Stephanie Catanzaro v. Trans Union, LLC and Verizon New England, Inc., Civil Action No. 09-10556-WGY.<sup>1</sup> In support of their Joint Motion, the defendants set forth the following grounds.

1. The present case stems from a dispute over two telephone accounts that were opened by the plaintiff, Stephanie Catanzaro. The two accounts became delinquent and were reported to Experian, a credit reporting agency. On October 22, 2008, the plaintiff sent a letter to Verizon, disputing that the two accounts were hers.
2. As a result of Verizon's and Experian's actions, the plaintiff asserts that her credit score was reduced, that she was unable to obtain and benefit from credit, and that she

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<sup>1</sup> The defendants' Joint Motion to Consolidate is being filed in this court, as required by Local Rule 40.1(J), because the present case was the first one filed. However, the defendants seek consolidation of the two cases in Judge William G. Young's session.

suffered distress and humiliation when she was denied access to credit. Verizon and Experian deny that they acted improperly with respect to the two telephone accounts.

3. In her First Amended Complaint, the plaintiff alleges various claims against Verizon and Experian pursuant to the federal Fair Credit Reporting Act, the federal Fair Debt Collection Act, and state law claims pursuant to G.L. c. 93, §§54A, 54, 58, and G.L. c. 93A.

4. Nearly simultaneous with the filing of the present case, the plaintiff filed a second, separate lawsuit in this court, entitled Stephanie Catanzaro v. Trans Union, LLC and Verizon New England, Inc., Civil Action No. 1:09-cv-10556-RBC.<sup>2</sup> The plaintiff's First Amended Complaint in that case is founded on the same two telephone accounts that were opened by the plaintiff; on Verizon's handling of those accounts; and on the reporting of those delinquent accounts to the credit reporting agency, Trans Union, LLC ("Tran Union"). Furthermore, the plaintiff's Amended Complaint alleges that same federal and state law claims that are alleged in the present case. Aside from different credit reporting agencies as named defendants, the two cases are inextricably bound by common questions of law and fact.

5. Fed. R. Civ. P. 42(a) permits consolidation of cases that involve a common question of law or fact. Moreover, Local Rule 40.1(G)(1) provides guidelines for determining whether civil cases are related. Those guidelines include whether some or all of the parties are the same and, if so, whether the cases involve similar claims or defenses, or involve substantially the same questions of fact and law. Local Rule

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<sup>2</sup> Because there was not unanimity among the parties regarding magistrate jurisdiction, the case was transferred to Judge William G. Young's session and is now entitled Stephanie Catanzaro v. Trans Union, LLC and Verizon New England, Inc., Civil Action No. 09-10556-WGY.

40.1(G)(2) states: "If the party filing the initial pleading believes that the case is related to a case already assigned, whether or not the case is pending, that party shall notify the clerk by notation on the local civil category sheet indicating the title and number of each earlier case." (Emphasis added.)

6. The two lawsuits filed by the plaintiff plainly involve identical facts – i.e., a dispute between the plaintiff and Verizon about two telephone accounts and the reporting of those accounts to Experian and Trans Union – and common questions of law – i.e., whether Verizon, Experian or Trans Union violated various state and federal laws in their handling of the plaintiff's telephone accounts. Consolidation of the two cases for all purposes will allow the parties to avoid duplicate written discovery and depositions, and eliminate the possibility of inconsistent judgments on identical facts and law.

7. Finally, Trans Union, which is not a party to the present lawsuit, has assented to Verizon's and Experian's Joint Motion to Consolidate.

WHEREFORE, the defendants, Experian Information Solutions, Inc. and Verizon New England, Inc., request that the court allow their Joint Motion Consolidate this case with the pending case of Stephanie Catanzaro v. Trans Union, LLC and Verizon New England, Inc., Civil Action No. 09-10556-WGY.

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#### CERTIFICATE OF SERVICE

I, James R. Dyer, hereby certify that on this 24<sup>th</sup> day of September 2009, I served a copy of this document electronically through the EFC system to the registered participants on the Notice of Electronic filing (NEF):

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